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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,272	06/30/2004	Bruce Bennett Doris	FIS920030389US1	4271

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EXAMINER	
TSAI, H JEY	

ART UNIT	PAPER NUMBER
2812	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXC

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/710,272	**Applicant(s)** DORIS ET AL.	
	Examiner H.Jey Tsai	**Art Unit** 2812	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-15 and 23-30*.
   Claim(s) withdrawn from consideration: *16-22*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

H.Jey Tsai
Primary Examiner
Art Unit: 2812

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's simple and general allegation that "Hareland et al. does teach claimed invention providing an embedded stresor structure specifically in the fin connector part of the devide (e.g. localized within the device) " without specifically pointing out how the localized stressor of the claims patentably distinguishes them from the Hareland's localized stressor is not persuasive. There is not seen "the embedded stressor structure in the fin connection part of the devcie" in the claimed invention of independent claims 1 and 14. And, Applicant fails to specifically compare and pointing out how the meaning of localized stressor of the claimed invention patentably distinguishes them from the meaning of Hareland et al.'s localized stressors 360, 430, 319, 560 (see figures 3-4 and col. 6, lines 28-67, col. 2, lines 33-67 as demonstrated and pointed out in the body and conclusions of last Final rejection (mailed on 9/11/2006)). However, Examiner had clearly demostrated in the body and conclusion of last Final rejection that Hareland et al. clearly teaches the meaning of localized stressor that meets the claimed invention at figs.3-4 and col. 6, lines 36-46, a localized stressor layer 360 embedded in the tri-gate FinFET device 300 by depositing arround the exposed portion of semiconductor body (fin connector part, see fig. 3A) 308, over and arround the gate electrode 324 as well as directly on or adjacent to the sides 310, 312 of semiconductor body 308. Since, device 300 is a tri-gate FinFET transistor (including three gate electrodes and 3 pairs of source/drain regions), hence localized stressor layer 360 is clearly localized within the tri-gate FinFET device 300 and causing a channel region 350 to be stressed (see col. 2, lines 33-67, col. 6, lines 28-67, col. 13, lines 1-56 and figs. 3-5 as set forth in the last Final rejection). Again, Applicant simply and generally alleges that in Hareland there is no teaching or suggestion of ".. forming at least one localized stressor region within said device" without specifically pointing out and comparing how the meaning of claimed invention's locallized stressor patentably distinguishes from the localized stressors as shown in figs. 3-4 of Hareland. Applicant also fails to respond to the Final rejection (5/2/2006 and 9/11/2006) that there are more than one localized stressors formed within the device such as localized silicide stressor layer 430 formed on the source region 330 and/or drain region 332, or on fin connector 308, localized stressor 319 and localized stressor 560 etc. Again Applicant fail to comply with 37 CFR 1.111(b) because Applicant simply and generally states "there is no teaching in Hareland of forming the localized stressor as isolated on the fin connectors or the source/darin regions of the device" as claimed in claims 6 and 7 without specifically pointing out how the language of the claims patentably distinguishes them form the Hareland. However, Examiner had clearly demonstrated and pointed out in the body and conclusion of last Final rejection (mailed on 9/11/06) that Hareland clearly teaches at figs. 3-4 5E, the meaning of localized stressor that meets claimed invention, the isolated localized stressor 430 formed on source/drain regions (330/332, see, page 2 and page 3, lines 9-10 and conclusions of last Final rejection and col. 8, lines 8-20 of Hareland), isolated locallized silicide stressor 430 also can be formed on the fin connector region 308 (see col. 8, lines 42-55), an isolated stressor 319 and/or localized stressor 360 formed on the fin connection region (connection part) 308, 520 (see col. 8, lines 42-65, col. 10, lines 13-67, fig. 5E of Hareland and page 3, lines 7-8 of last Final rejection, meeting claims 6 and 7). Silicide film stressor 450/430 can form a localized stressor on top of gate electrode 324, 325 see col. 8, lines 56-65 of Hareland. Examiner had clearly demonstrated and pointed out In the body and Conclusions of the Final rejection (mailed on 9/11/2006) that Hareland et al. teaches at figs 3-4, the meaning of localized stressors that meets the claimed invention, localized stressors 360, 560, 319 and colbalt silicide localized stressor 430. Since, Applicant fails to respond to each rejection and specifically pointing out how the meaning of localized stressor of the claims patentably distinguish them from the meaning of Hareland's localized stressors, such as 360, 430, 319, 560 etc. as set forth and demonstrated in the Final rejections, hence, there is no way for Examiner to determine the patentability of the claimed invention.